

Message Text

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ACTION L-03

INFO OCT-01 ARA-10 EUR-12 ISO-00 NSCE-00 SSO-00
ACDA-12 CIAE-00 INR-07 IO-13 NSAE-00 EB-08 NRC-05
OES-07 SOE-02 DODE-00 SS-15 SP-02 INRE-00 /097 W
-----117583 011716Z /43

O 011657Z FEB 78

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC IMMEDIATE 5001

INFO USDOEHQ WASHDC IMMEDIATE

USDOEHQ GERMANTOWN IMMEDIATE

AMEMBASSY BELGRADE PRIORITY

AMEMBASSY MEXICO PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 VIENNA 00949

USIAEA

DEPT PASS IO/SCT

E.O. 11652: GDS

TAGS: IAEA, TECH, MNUC, ENRG, US

SUBJECT: AMENDMENT TO U.S./IAEA AGREEMENT FOR COOPERATION

REF: A) STATE 22853, B) VIENNA 799, C) VIENNA 659

1. PREFERENCES AND PROPOSALS TRANSMITTED REFTEL A HAVE
BEEN DISCUSSED INFORMALLY WITH SECRETARIAT (RAINER AND
FISCHER) WITH FOLLOWING RESULTS:

A. RAINER REITERATED THAT ANNEX COULD NOT RPT NOT
HAVE INDEPENDENT EXISTENCE AND COULD ONLY BE CONSIDERED
AS INTEGRAL PART OF AGREEMENT, WHICH FACT WOULD BE
REINFORCED BY FORMULATION FOR ADDITION TO ARTICLE IV
PREFERRED BY SECRETARIAT (TRANSMITTED REFTEL B), IN
WHICH NO MEANS ARE PROVIDED, OTHER THAN AMENDMENT OF
AGREEMENT, FOR MODIFICATIONS TO ANNEX. RAINER ALSO
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REITERATED HIS CONVICTION THAT INCLUSION OF EXPLICIT
STATEMENT IS UNNECESSARY AND TACTICALLY UNWISE.

B. RAINER WOULD NOT RPT NOT RECOMMEND TO HIS AUTHORITIES
ACCEPTANCE OF ALTERNATIVE FORMULATION FOR ARTICLE V(C)
DESCRIBED PARA 1 REFTEL A, SINCE HE WOULD NOT RPT NOT
BE ABLE TO EXPLAIN IN SATISFACTORY MANNER PROPOSED

REFERENCE TO QUOTE ANY APPLICABLE AGREEMENT UNQUOTE.
HE NOTED THAT ENTIRE STRUCTURE OF CURRENT VERSION OF
AMENDMENT WAS PREDICATED UPON CONCEPT THAT ARTICLE V(C)
WOULD ADDRESS SITUATION WHERE U.S. MATERIAL, ETC., WAS
MADE AVAILABLE, AT LEAST INITIALLY, TO AGENCY FOR ITS
OWN USE, WHILE ANNEX ADDRESSED SITUATION WHERE U.S.
MATERIAL, ETC., WAS INITIALLY MADE AVAILABLE, FOR USE BY
ANOTHER MEMBER STATE. HE FELT THAT REFERENCE TO QUOTE
. ANY APPLICABLE AGREEMENT UNQUOTE WOULD BE SEEN
TO BE CONTRARY TO THAT CONCEPT AND THEREFORE UNACCEPTABLE.
ACCORDINGLY, HE BELIEVED SECRETARIAT WOULD REITERATE
STRONG PREFERENCE FOR FORMULATION IN PARA 2 REFTTEL A,
WHICH IS SAME AS THAT ADDRESSED IN SECRETARIAT REPLY
REPORTED PARA 4 REFTTEL B. RECALL THAT SECRETARIAT REPLY
SUGGESTED CONSIDERATION OF OMITTING PHRASE QUOTE BY
MUTUAL CONSENT OF THE PARTIES UNQUOTE IN THAT FORMULATION.

C. MISOFF SUGGESTED POSSIBILITY THAT USG INCLUDE IN
LETTER TO DIRECTOR GENERAL AT APPROPRIATE STAGE, SUCH
AS CONFIRMATION OF FINAL TEXT OF AMENDMENT, STATEMENT
ALONG LINES PARA 3 REETEL A, RE USG UNDERSTANDING
CONCLUDING THAT ANNEX IS INTEGRAL PART OF AGREEMENT.
RAINER AND FISCHER SAW NO PROBLEM IN PRINCIPLE BUT
PREFERRED LETTER INCLUDING SUCH STATEMENT BE DELIVERED
TO DIRECTOR GENERAL AFTER BOARD APPROVES AMENDMENT,
SUCH AS AT TIME OF SIGNATURE OF AMENDMENT, IN ORDER
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THAT NECESSITY FOR AND CONTENT OF RESPONSE BY DIRECTOR
GENERAL NOT RPT NOT BECOME MATTER OF DEBATE AT BOARD.
CONCERN IS THAT DIRECTOR GENERAL WOULD HAVE TO INFORM
BOARD OF RECEIPT OF SUCH STATEMENT, IF DELIVERED PRIOR
TO BOARD CONSIDERATION OF AMENDMENT.

D. RAINER'S REACTION TO REFORMULATION OF SECTION A OF
ANNEX PER PARA 4 REFTTEL A WAS POSITIVE. HE THOUGHT,
HOWEVER, THAT EXPANDED DEFINITION IN PARENTHESIS NO
LONGER WAS CONFINED TO QUOTE MULTILATERAL AGREEMENT
UNQUOTE AND THEREFORE SUGGESTED REPLACEMENT BY QUOTE
SUPPLY AGREEMENT UNQUOTE IN PARA A AND THROUGHOUT ANNEX.
AS MATTER OF STYLE AND UNDERSTANDABILITY HE WOULD ALSO
SUGGEST DELETION OF PARENTHETICAL DEFINITION FROM FIRST
OVERLY-LONG SENTENCE AND INSERT AS SECOND SENTENCE
WHICH WOULD BEGIN QUOTE FOR THE PURPOSE OF THIS ANNEX,
INNER QUOTE SUPPLY AGREEMENT END INNER QUOTE MEANS ANY
AGREEMENT ENTERED INTO, ETC., CONTINUING WITH REMAINDER
OF TEXT AS IT APPEARS WITHIN PARENTHESIS IN TEXT PER
PARA 4 REFTTEL A. LAST SENTENCE OF SECTION A, REFERRING
TO NPT SAFEGUARDS AGREEMENT WOULD REMAIN UNCHANGED,
SINCE IT BEGINS QUOTE FOR THE PURPOSE OF THIS SECTION

UNQUOTE, ETC.

2. IN SUMMARY, MISSION SEES AGREEMENT ON TEXT IN SIGHT,
REQUIRING GUIDANCE ON FOLLOWING OUTSTANDING POINTS:

A. ACCEPTABILITY OF REFORMULATION OF SECTION A OF ANNEX
(AND CONSEQUENT USE OF QUOTE SUPPLY AGREEMENT UNQUOTE
VICE QUOTE MULTILATERAL AGREEMENT UNQUOTE THROUGHOUT
ANNEX) AS DESCRIBED PARA 1(D) ABOVE.

B. DESIRABILITY OF INCLUSION IN LETTER TO DIRECTOR

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FM AMEMBASSY VIENNA

TO SECSTATE WASHDC IMMEDIATE 5002

INFO USDOEHQ WASHDC IMMEDIATE

USDOEHQ GERMANTOWN IMMEDIATE

AMEMBASSY BELGRADE PRIORITY

AMEMBASSY MEXICO PRIORITY

C O N F I D E N T I A L SECTION 02 OF 02 VIENNA 00949

GENERAL OF STATEMENT OF USG UNDERSTANDING CONCLUDING
THAT ANNEX IS INTEGRAL PART OF AGREEMENT AND WHETHER
DELIVERY OF SUCH LETTER AT TIME OF SIGNATURE IS
ACCEPTABLE.

3. PLEASE ADVISE SOONEST.

4. NOTE THAT SECOND SENTENCE OF SECTION H OF ANNEX
WILL BE RETAINED, BUT CONFORMED TO TEXT OF ARTICLE V(C)
PER PARA 2(B) OF STATE 18111. STONE

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Message Attributes

Automatic Decaptioning: Z
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Control Number: n/a
Copy: SINGLE
Draft Date: 01 feb 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
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Disposition Approved on Date:
Disposition Case Number: n/a
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Review Withdrawn Fields: n/a
SAS ID: 3436620
Secure: OPEN
Status: NATIVE
Subject: AMENDMENT TO U.S./IAEA AGREEMENT FOR COOPERATION
TAGS: TECH, MNUC, ENRG, US, IAEA
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/d07c6dcd-c288-dd11-92da-001cc4696bcc
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